

(2024) 04 MP CK 0169
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 5058 Of 2024

Raj Marmat

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 23-04-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389

Indian Penal Code, 1860 — Section 354, 451

Protection Of Children From Sexual Offences Act, 2012 — Section 7, 8

Citation : (2024) 04 MP CK 0169

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : Gaurav Laad, Tarun Pagare

Judgement

Vijay Kumar Shukla, J

1. Heard on IA No.6423/2024 which is first application under Section 389 of Cr.P.C. for suspension of jail sentence of appellant Raj Marmat.
2. The appellant has been convicted under Section 451 & 354 of IPC and 7/8 of POCSO Act and sentenced to undergo RI for 6 months, 3 years, 3 years and fine of Rs.500/-, 3000/-, 3000/- with default stipulation.
3. Learned counsel for the appellant submits that the jail sentence of the appellant has been already suspended by the trial Court. It is further submitted that there is no likelihood of hearing of appeal in near future. Hence, counsel prayed that application for suspension of sentence be allowed.
4. Learned counsel for the State opposes the prayer and prays for its rejection.
5. On due consideration of the submissions made on behalf of the appellant and looking to the fact that the jail sentence of the appellant has already been suspended by the trial Court and the final hearing of the appeal may take time, it would be appropriate to suspend the jail sentence of the appellant. Accordingly,

the IA is allowed.

6. The appellant Raj Marmat b e enlarged on bail on his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with separate solvent surety of the same amount to the satisfaction of the trial Court, for his appearance before the Registry of this Court on 09.07.2024 and thereafter, on such other subsequent dates as may be fixed in that behalf.

7. With the aforesaid, I.A No.6423/2024 stands disposed off.

List for hearing on admission along with record.